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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,253	04/26/2000	HENNING MAAB	PHD98.097	6706
24737	7590	07/18/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			WOO, RICHARD SUKYOON	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/530,253		MAAB ET AL.	
	Examiner		Art Unit	
	Richard Woo		3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

- 1) Applicant's amendments filed on April 14, 2005 have been entered.
- 2) Applicant's arguments filed on April 14, 2005 have been fully considered but they are not persuasive.

In response to the applicant's argument that Rover does not disclose an information unit that transmits area information to the data carrier, this is respectfully traversed by the examiner. Rover's navigation system like that of applicant's invention transmits the area information whenever the unit signals where the unit is located (global position) in case of movement of the carrier from the area or in case of initialization so as to enable the effectively locate and secure the car including the data carrier.

In response to the applicant's argument that Rover does not transmit in case of initialization, the examiner invites the applicant's attention to a further feature of the system (page 7, lines 1-23). In order to remotely start to control or monitor the data carrier, there must be initial communication between the data carrier and the remote stations. Accordingly, Rover discloses the transmission of its position and its state in the case of initialization (page 7, lines 8-9).

- 3) Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection has been necessitated by replacing "and" with "or" in Claim 1, line 7 to render the indefiniteness to the Claim.

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- 4) The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

- 5) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 6) Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, line 7, the recitation of "or" renders the claim indefinite because it is not clear when the data carrier transmits its position only in case of initialization OR only in case of movement of the carrier.

Claim Rejections - 35 USC § 102

- 7) Claims 1-4, as far as Claims 1-2 are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Rover (GB 2,335,002).

W.R.T. Claim 1:

Rover discloses a locating system comprising:

at least one data carrier (112, 118, 113) located in an area, the carrier including a position sensor, a transmitter and a receiver (see Fig. 1);

an information unit (30) which is remote from the carrier for storing area information and transmitting the area information to the carrier;

wherein the carrier transmits its position to the information unit only in case of initialization (inherently, the carrier must transmit its position in the case of initialization so as to inform the information unit where the data carrier is originally located; also see Supra Response to Arguments) or in case of movement of the at least one data carrier from the area (see abstract, Claim 1 and) and wherein a third party interrogates the information unit for the position of the carrier (see Claim 13).

W.R.T. Claim 2:

Rover further discloses the system, wherein the carrier has a receiver for receiving area boundaries corresponding to the area (see Supra safety zone or area), and a memory (see the data carrier in Fig. 1) for storing the area boundaries and absolute position data, and a comparator for comparing the position data with the area information when the transmitter transmits the boundaries of the area to the carrier.

W.R.T. Claim 3:

Rover discloses a method of locating an object provided with a data carrier located in an area, the method comprising:

the data carrier (112, 118, 113) receiving position data from a position-determining system (20);

the data carrier transmitting position data to an information unit (30);

allocating the position data to an area in the information unit;
transmitting the boundaries (safety area or zone) of the area to the data carrier;
upon each movement of the data carrier comparing a position of the data carrier with the boundaries of the area (see Claim 1 and Fig. 1 and the descriptions thereof);
transmitting new position data to the information unit only in the case of a negative result of the comparison of the area boundaries transmitted by the information unit with the position of the data carrier (see Abstract and Fig. 1 and the descriptions thereof; Claim 1); and
interrogating the information unit from a third party for the position of the data carrier (Claim 13 for interrogating and tracking the position of the data carrier).

W.R.T. Claim 4:

Rover further discloses the method, wherein the position data transmitted by the data carrier is translated into area data in the information unit and the area in which the data carrier is located is stored in the information unit (see Fig. 1 and page 3, lines 3-7; page 4, lines 1-3).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

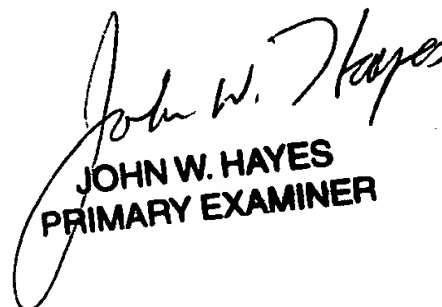
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 571-272-6813. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Woo
Art Unit 3639
July 10, 2005



JOHN W. HAYES
PRIMARY EXAMINER